

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Timothy Lee Sanders,

Case No.: 2:22-cv-01090-JAD-EJY

Petitioner

v.

**Order Dismissing  
 Successive Habeas Action**

State of Nevada, *et al.*,

Respondents

Timothy Lee Sanders, an individual incarcerated at Nevada’s High Desert State Prison, has submitted a petition for writ of habeas corpus<sup>1</sup> and paid the filing fee.<sup>2</sup> I have examined Sanders’ habeas petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and, because it plainly appears that the petition is successive and that Sanders has not obtained from the court of appeals the permission required to file a successive petition, I dismiss this action.

Sanders’s petition in this case challenges his July 2010 conviction in Case No. C245467 in Nevada’s Eighth Judicial District Court.<sup>3</sup> The form that Sanders used to draft his petition asked, “Is this the first federal petition for writ of habeas corpus challenging this conviction?”<sup>4</sup> And, if not, the form asked for information about any prior federal petition.<sup>5</sup> Sanders crossed out that section of the form, and did not answer those questions.

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<sup>1</sup> ECF No. 1-1.

<sup>2</sup> ECF No. 5.

<sup>3</sup> ECF No. 1-1 at 1–2.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.*

1 However, this court's records reflect that, between December 2011 and January 2015, in  
 2 Case No. 2:11-cv-02064-APG-VCF, Sanders litigated a petition for writ of habeas corpus in this  
 3 court, challenging the same conviction.<sup>6</sup> His petition in that previous case was denied on its  
 4 merits, and judgment was entered in favor of the respondents and against Sanders on  
 5 July 26, 2015.<sup>7</sup> Sanders did not appeal from that judgment.

6 A successive habeas petition may not be filed in this court unless the petitioner has  
 7 obtained permission from the Ninth Circuit Court of Appeals.<sup>8</sup> Sanders has made no allegation  
 8 or showing that he has obtained such permission from the court of appeals. For this reasons, I  
 9 dismiss this action.

10 IT IS THEREFORE ORDERED that **this action is DISMISSED**. Petitioner is **denied a**  
 11 **certificate of appealability** because reasonable jurists would not find this order to be debatable.  
 12 The Clerk of the Court is directed to **ENTER JUDGMENT accordingly and CLOSE THIS**  
 13 **CASE**.

14 IT IS FURTHER ORDERED that the Clerk of the Court is directed to:

- 15 • **separately file the Petition for Writ of Habeas Corpus** attached to Petitioner's  
 16 Application to Proceed *in Forma Pauperis* at ECF No. 1-1; and
- 17 • send a copy of this order to the Nevada Attorney General.

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 20 U.S. District Judge Jennifer A. Dorsey  
 December 19, 2022

21 <sup>6</sup> Case No. 2:11-cv-02064-APG-VCF, ECF No. 5 at 1–2.

22 <sup>7</sup> Case No. 2:11-cv-02064-APG-VCF, ECF Nos. 17, 18.

23 <sup>8</sup> 28 U.S.C. § 2244(b)(3)(A) (“Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.”).